

CHAPTER 4-13.1 TURKEY PROMOTION ACT

4-13.1-01. Title. This chapter must be known as the North Dakota Turkey Promotion Act.

4-13.1-02. Definitions. The following definitions are given for purposes of this chapter:

1. "Commissioner" means the agriculture commissioner.
2. "Federation" means the North Dakota turkey federation.
3. "Integrator" means a person who both produces and processes turkeys. Where applicable, an integrator may be included in the definitions of both a producer and a processor.
4. "Market development" means research and education programs directed toward better and more efficient production, marketing, and utilization of turkeys and turkey products produced for resale. The term also means the use of other methods, including but not limited to, public relations and other promotion techniques, for the maintenance of present turkey markets, for the development of new or larger domestic or foreign markets, for the sale of turkeys, and for prevention, modification, or elimination of trade barriers which obstruct the free flow of agricultural commodities to market. The term includes providing promotion and research funds for North Dakota's participation in activities such as the national turkey federation research fund and such other activities as may be authorized by the commissioner.
5. "Processor" means any person who purchases more than one thousand turkeys each year for slaughter.
6. "Producer" means any person doing business within this state who raises turkeys for slaughter each year.
7. "Secretary" means the agriculture commissioner.
8. "Turkeys" means turkeys raised for slaughter.

4-13.1-03. Assessment. There is hereby levied on producers an assessment upon each turkey delivered for processing. The assessment rate is one cent for each turkey weighing less than ten pounds [4.54 kilograms] live weight, and up to two cents for each turkey weighing ten or more pounds [4.54 or more kilograms] live weight.

4-13.1-04. Assessment collected and remitted by processor. The assessment must be collected by the processor at the time the turkey is delivered to a processing plant. It must be deducted by the processor from the price he pays to the producer. The processor shall quarterly remit the assessments he collects under this chapter to the commissioner for deposit in a special fund in the state treasury.

4-13.1-05. Special fund - Continuing appropriation. The state treasurer shall deposit all moneys received under this chapter in a special revolving fund to be known as the turkey fund. All moneys deposited in the turkey fund are appropriated on a continuing basis to the commissioner for use pursuant to this chapter.

4-13.1-06. Processor to give invoice to producer. The processor shall, at the time of delivery, sign and give to the producer separate invoices for each purchase. The invoice must show the name and address of the producer and the seller, if the seller is not the producer; the name and address of the processor; the number of turkeys sold; the amount of assessment

collected; and the date of delivery. The commissioner shall have the authority to require such other records as may be necessary to expedite the collection and remittance of the assessment.

4-13.1-07. Refunds. Any producer who makes a written application therefor to the commissioner within sixty days of the delivery of his turkeys to a processor shall receive a refund of the assessment deducted from him.

4-13.1-08. Commissioner to effectuate purposes of this chapter - Advice of federation sought. The commissioner is hereby authorized to expend moneys and take the actions it deems necessary and proper to effectuate the purposes and policies of this chapter. The commissioner shall request the advice, review, and comment of a committee appointed by the federation regarding the projects, programs, and policies undertaken to carry out the provisions of this chapter.

4-13.1-09. Out-of-state processors. The commissioner is hereby authorized to enter into negotiations and agreements with out-of-state processors for the collection and remittance of the assessment.

4-13.1-10. Turkey information in report. The commissioner shall include information concerning its activities under the provisions of this chapter, including a complete listing of the assessments collected and the moneys spent under this chapter, in its report to the governor.

4-13.1-11. Collection of unpaid assessments. If a processor fails to collect or remit the proper assessments, the commissioner may enforce the collection or remittance, as the case may be, in any court of competent jurisdiction in the state.

4-13.1-12. Delinquent assessment remittances. Any processor who fails to remit the assessments he has collected on the date they become due is delinquent and shall levy a penalty assessment of five percent of the assessment due, plus interest at the rate of six percent per annum, from the due date. The penalty and interest must be collected in the manner described in section 4-13.1-11.

4-13.1-13. Penalty. A willful violation of this chapter is a class B misdemeanor.